

REMARKS

The present application has been reviewed in light of the Office Action dated May 27, 2009. Claims 1, 2, 9-13, and 15-25 are presented for examination, of which Claims 1, 16, and 17 are in independent form. Claims 1, 16, 17, 18, 20, and 23 have been amended to define aspects of Applicants' invention still more clearly. Favorable reconsideration is requested.

The Office Action rejected Claims 1, 9, 10, 13, 16, 17, and 22 under § 103(a) as being unpatentable over U.S. Patent No. 6,985,955 (*Gullotta et al.*) in view of U.S. Patent Application Publication No. 2003/0195942 (*Muhlestein et al.*); that Claim 2 and 25 is rejected under § 103(a) as being unpatentable over *Gullotta et al.* in view of *Muhlestein et al.* and further in view of U.S. Patent Application Publication No. 2002/0174227 (*Hartsell et al.*); that Claims 11 and 23 are rejected under § 103(a) as being unpatentable over *Gullotta et al.* in view of *Muhlestein et al.* and further in view of U.S. Patent Application Publication No. 2005/0043961 (*Torress et al.*) and U.S. Patent Application Publication No. 2003/0009540 (*Benfield et al.*); that Claims 12 and 21 are rejected under § 103(a) as being unpatentable over *Gullotta et al.* in view of *Muhlestein et al.* and further in view of U.S. Patent Application Publication No. 2003/0145093 (*Oren et al.*); that Claim 15 is rejected under § 103(a) as being unpatentable over *Gullotta et al.* in view of *Muhlestein et al.* and further in view of U.S. Patent Application Publication No. 2005/0010671 (*Grannon*); that Claim 18 is rejected under § 103(a) as being unpatentable over *Gullotta et al.* in view of *Muhlestein et al.* and further in view of U.S. Patent Application Publication No. 2002/0161904 (*Tredoux et al.*); that Claims 19 and 24 are rejected under § 103(a) as being unpatentable over *Gullotta et al.* in view of *Muhlestein et al.* and further in view of U.S. Patent Application Publication No. 2002/0064149 (*Elliot et al.*); and that Claim

20 is rejected under § 103(a) as being unpatentable over *Gullotta et al.* in view of *Muhlestein et al.* and further in view of U.S. Patent Application Publication No. 2006/0168253 (*Baba et al.*).

For at least the reasons presented below, Applicants respectfully submit that independent Claims 1, 16, and 17, together with the claims dependent therefrom, are patentably distinct from the cited references.

Amended Claim 1 recites, in part, “dynamically assigning said asset to one of a plurality of security domains based on at least (1) a source of said request and (2) said determining, wherein each security domain corresponds to a different degree of security control,” (emphasis added).

The Office Action admits that *Gullotta et al.* “fails to disclose a computer implemented method for dynamically provisioning computing resources wherein an asset is assigned to one of a plurality of security domains based on a determining step, wherein each security domain corresponds to a respective degree of security control; and provisioning a computing resource based on said one of said plurality of security domains.” *See* Office Action, pages 3 and 4. The Office Action then looks to *Muhlestein et al.* for teaching these features.

In paragraphs 57 and 59, *Muhlestein et al.* states:

The present invention comprise an architecture that provides the ability to create and maintain multiple instance of virtual servers, such as virtual filers (vfilers), within a single server, such as a filer. A vfiler is a logical partitioning of network and storage resources of the filer platform to establish an instance of a multi-protocol server. Each vfiler is maintained and executed entirely and independent of other vfilers on the platform. To that end, dedicated filer resources, such as units of storage and network addresses of network interfaces, may be arbitrarily grouped and “hard” partitioned to establish security domains within the filer. Yet common filer resources, such as a storage operating system and a file system, may be shared among vfilers.

For example, the vfiler context of a first vfiler ensures that users or clients of a first security domain can use a first set of source and destination network addresses when issuing requests to access a first subset of storage resources on the filer. Similarly, the vfiler context of a second vfiler ensures that clients of a second security domain may use a second set of source and destination network addresses to access a second subset of storage resources. Notably, the clients of each security domain are unaware of each other's "presence" on the filer and, further, are unable to access each other's storage resources. In sum, no data flow exists between vfilers.

In other words, as best understood by Applicants, in *Muhlestein et al.*, a single security domain is allocated to a particular set of server resources (*i.e.*, vfiler) and clients, and that security domain allocation remains static. In stark contrast, Claim 1 of the present application provides for an asset to be dynamically allocated to a security domain. Nothing has been found in *Muhlestein et al.* that is believed to teach or reasonably suggest a dynamic allocation feature, much less teach or reasonably suggest "dynamically assigning said asset to one of a plurality of security domains based on at least (1) a source of said request and (2) said determining, wherein each security domain corresponds to a different degree of security control," as recited in Claim 1 (emphasis added).

Accordingly, in view of the above, Applicants submit that Claim 1 is patentable over the cited references, whether considered individually or in any permissible combination. Therefore, withdrawal of the rejection under 35 U.S.C. § 103(a) is respectfully requested.

Independent Claims 16 and 17 include a feature similar to the above-discussed feature of Claim 1, and are believed to be patentable for at least the reasons discussed above. The other rejected claims in the present application depend from one or another of Claims 1, 16, and 17 and therefore are submitted to be patentable for at least the same reasons. However, because each dependent claim also is deemed to define an additional aspect of the invention,

individual consideration or reconsideration, as the case may be, of the patentability of each claim on its own merits is respectfully requested.

No petition to extend the time for response to the Office Action is deemed necessary for this Amendment. If, however, such a petition is required to make this Amendment timely filed, then this paper should be considered such a petition and the Commissioner is authorized to charge the requisite petition fee to Deposit Account 50-3939.

This Amendment After Final Action is believed clearly to place the present application in condition for allowance. Therefore, entry of this Amendment under 37 C.F.R. § 1.116 is believed proper and is respectfully requested, as an earnest effort to advance prosecution and reduce the number of issues. Should the Examiner believe that issues remain outstanding, it is respectfully requested that the Examiner contact Applicants' undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and an early passage to issue of the present application.

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Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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